IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2931 of 1993

For Approval and Signature:

HON'BLE MR.JUSTICE AKSHAY H.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GUJARAT ELECTRICITY EMPLOYEES UNION

Versus

GUJARAT VIDYUT BOARD

Appearance:

1. Special Civil Application No. 2931 of 1993

NOTICE SERVED for Petitioner No. 1

MR MD PANDYA for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE AKSHAY H.MEHTA

Date of decision: 22/04/2004

ORAL JUDGEMENT

This petition has been filed by the Gujarat Electricity Employees Union at Baroda and they have challenged the judgment and award passed by the

Industrial Tribunal, at Ahmedabad in Reference (I.T.) No. 591 of 1982. In the said Reference, several disputes were raised. The Tribunal by judgment dated 11th April, 1991 came to the conclusion that whatever the due demands that were raised, did not form part of the industrial dispute, which was referred to the Tribunal for adjudication. It was also submitted that even if the demands were considered incidental to the main issue, the said demands were not granted. In view of the reasons shown in the said judgment, the Tribunal has, therefore, dismissed the Reference. It is this decision which is challenged in this petition.

1.1. It appears from the record of the petition that originally the petition was filed on behalf of the petitioner by Mr. Justice H.K. Rathod before he was elevated to the Bench. On his elevation, the office of this Court had issued notice giving intimation about the elevation of Mr. Justice H.K. Rathod and to make alternative arrangement to represent them in this proceedings. However, the said notice was served on 8th June, 2001. Further no arrangement seems to have been made till this date. Subsequently, this matter had appeared on Board on 5th December, 2001, 12th December, 2001, 19th December, 2001, 15th January, 2004, 28th January, 2004 and 12th February, 2004. On that day i.e. on 12th February, 2004, this Court had passed an order that if on the next date of hearing, the petitioner did not remain present, the matter would be proceeded exparte. After 12th February, 2004, the petition is again listed on 26th February, 2004 and thereafter on 19th March, 2004 and today i.e. on 22nd March, 2004. Inspite of these many chances, the petitioner has not cared to remain present either in person or through advocate.

In that view of the matter, the petition is required to be dismissed since no submissions have been advanced on behalf of the petitioner to substantiate the averments made in the petition. The judgment and award made by the Tribunal as aforesaid stand confirmed. Petition is dismissed. Rule is discharged with no order as to costs.

[AKSHAY H. MEHTA, J.]

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